

MINUTES FOR THE BOARDS OF EXAMINERS FOR ALCOHOL, DRUG AND GAMBLING COUNSELORS

MEETING DATE: Friday, May 1, 2015- Via teleconference
MEETING TIME: 9:00 a.m.
MEETING LOCATION: **TMCC Redfield Campus**
18600 Wedge Parkway Bldg. B, room 102
Reno, Nevada 89511

College of Southern Nevada
Cheyenne Campus
3200 E. Cheyenne Ave. Room 2638
Las Vegas, Nevada 89030

MEMBER PRESENT: Dianne Springborn, Steve Burt, Darlene Dufault, Jacqueline Wotherspoon, Barbara Hunt, Merlyn Sexton, and Maryann Potter.

STAFF PRESENT: Agata Gawronski, Executive Director, Carol Masterson, Executive Assistant, Saul Singer, Compliance Investigator and Keith Marcher, Deputy Attorney General

MEMBERS OF PUBLIC: Oscar Sida,

Item 1: Welcome, Call to Order.

Darlene Dufault called the meeting to order at 9:10 a.m.

Item 2: Public Comments

Oscar Sida, Human Services Program Coordinator at UNLV, was present at the Las Vegas location and stated that he wanted to be an advocate for the post graduate students as their case loads are so heavy, and that even though they want the hours was concerned that there were no limits on time worked. Mr. Sida stated that he wanted to bring this to the Board's attention.

Dianne Springborn, stated that there is a limit on hours an intern can claim during the reporting period. It is 1000 hours which is equivalent to full time employment (40 hours per week)

Mr. Sida stated that there is a limit that the intern can claim as hours but that the intern is working more hours, but not claiming those hours. He felt that the board was here to protect the public and our professionals, and that he would like to see restriction on case loads and hours for interns.

Steve Burt suggested that we address the issue in item #6 on the agenda.

Item 3: Approval of the Minutes for November 2, 2014 meeting.

Jacquelyn Wotherspoon made a motion to accept, Barbara Hunt seconded. The motion was carried unanimously.

Item 4: Alese McKinney, LCADC Supervisor-requesting to supervise 6 interns (for possible action)

Darlene Dufault, recused herself as Ms. McKinney works for Ms. Dufault, Barbara Hunt recused herself as well due to conflict of interest.

Ms McKinney stated that she would temporarily like to have an additional intern as they are in the process of hiring a new clinical supervisor. At the current time she is the only supervisor for the facility, and would like to take one more inter temporarily

Steve Burt asked her to define temporary. Ms McKinney stated six months as they felt they would have another supervisor hired within that period of time.

Dianne Springborn asked if all the interns worked for the same company. Ms. McKinney replied yes, they were all Choices employees.

Dianne Springborn asked for a motion to allow Ms. McKinney to take on one additional intern. Steve Burt made the motion to allow Ms. McKinney to take one additional intern for six months. Maryann Potter seconded. The motion was approved unanimously.

Item 5: Milka Aviles – request for application (for possible action)

Merlyn Sexton recused himself as he was familiar with the case.

Agata Gawronski stated that Ms. Aviles called late the previous day and stated that she could not attend the meeting but was submitting a letter.

Dianne Springborn read the letter to the board members where Ms. Aviles states that she was arrested for a DUI but had completed all the requirements. She states she is asking the board to allow her to test as she completed all internship hours.

Executive Director Gawronski stated that this situation was much more complicated than it appears. Ms. Aviles did not report her DUI to the board and Mr. Sexton required Ms. Aviles to report the incident after becoming aware of it 6 months after the incident. Director Gawronski stated that the problem is that policy states if you fail your exam you have a year to retest with the application remaining open. Ms. Aviles allowed her application to expire, therefore needing to submit a new application for licensure. Under current regulations for a new applicant as she had completed DUI program in January 2014 she does not meet the criteria as a new applicant today. Deputy Attorney General Marcher stated that essentially the board was making a decision on whether to accept an application that Ms. Aviles had a DUI within the past two years. Steve made a motion that we hold Ms. Aviles to current application status and require her to meet current requirements. Darlene Dufault seconded, the motion was carried unanimously.

Item 6: Legislative session 2015 update, SB 84 and AB 85 (Steve Burt) (for possible action)

Steve Burt stated that we as the board are responsible for two bills. SB 84 is the bill that started approximately in October of 2013 we were developing Provider type 17, Division of Health Care Policy and Finance were looking to NRS 629 .031 to authorize the payment of counselors under Medicaid, and alcohol and drug counselors were not on the list. The adaptation was made temporarily so that they

could move provider type 17 forward and get alcohol and drug counselors under the SAPTA model funded. This has been brought to legislative committee to add alcohol and drug counselors to the list of healing arts providers. There has been an amendment as it also did not include social workers. It started as SB 84, went to committee and work session and a full vote in the Senate. It is now in the Assembly at committee level will move to Assembly work session and on to a full vote at Assembly level.

AB 85 is our regulations rewrite and addition of peer support specialists. It got out the Assembly committee of Commerce and Labor and through the work session. Now we await word on its first Senate committee hearing then it will go to work session and full vote.

Steve Burt stated that as things come up between sessions he would like to continue with the subcommittee to address things and for future items that impact our field and protect ourselves as a unique field.

Item 7: Executive Directors report (year to date budget and FY 2013/14 audit report; current count report on all the licensees)

Director Gawronski presented the Audit report stating that we closed the year very well. She stated that things are very tight this year. We have entered a phase of retiring counselors that are not renewing. The issues with Medicaid hit the field hard it was not feasible for the agencies to keep interns. Steve Burt and the Director will review and if necessary use savings to cover financial gaps. The office has made great efforts to contact those people who need to renew.

Director Gawronski shared the status count showing that we are down in all areas.

Director Gawronski reported that there have been a large number of complaints. Dianne Springborn asked what types of complaints we are commonly seeing. Director Gawronski stated ethical violation. Saul Singer, investigator for the board stated that many of the complaints involve ethical violation, confidentiality violations, dual relationships etc.

Dianne Springborn stated that she felt the main issue was supervisors need to supervise. It takes a large amount of time to do it correctly reading all documents and provide the interns with the guidance needed.

Director Gawronski also stated on another matter the board needs to make a clear statement on what the Board's stance is on telemedicine and remote supervision. She stated that the Board needs to develop a clear understanding of our position on the matter. Steve Burt suggested the subcommittee work to develop a policy.

Jacqueline Waterspoon made a motion to accept the report, Steve Burt seconded the motion was carried unanimously.

Item 8: Discussion of application process related to positive answers to screening question; Discussion of changes to screening questions. Agata Gawronski, Keith Marcher (for possible action)

Deputy Attorney General Keith Archer stated that with the recent regulatory and statutory changes there is probably going to be reworking applications. We want to make sure the screening questions are tied to

your statutory grounds for denial and tighten up the language. Also to ensure that when questions are in place that there is a general policy, applicants that answer yes to these questions that the director cannot approve that the application make it to the board to make a decision deny or approve. The applicant will be brought to the board in light of recent case Supreme Court decision if a board is made up of market participants and you do not have any active state supervision, then you cannot claim first line of defense immunity. They made an anti-competitive decision. What we are trying to accomplish is when a denying, revoking, suspending a license, or sending cease and desist letters that it is well thought out done publicly and make sure this is leaning toward public safety and nothing to do with anti competitive.

Director Gawronski stated that it is perfect timing to rework all application and update online materials given the changes in the regulations.

Item 9: Disciplinary proceedings:

a) Kacey Brunson CADC (for possible action)

Keith Marcher pointed out as Ms. Brunson stated in the surrender that she was having inappropriate relationships with the inmates after being fired from the correctional center. She continued the relationships. It was agreed to surrender the license and remove other disciplinary actions.

Steve Burt made a motion to accept the certification surrender. Jacqueline Waterspoon seconded, the motion was carried unanimously.

b) Michael Brown CADC-I (for possible action)

Keith Marcher stated that in the case of Michael Brown, he borrowed money from a client .The probation is for a minimum of one year and investigative cost of \$1000.00. Steve Burt motioned to accept the probation agreement, Jacqueline Wotherspoon seconded, motion was carried unanimously.

c) Annette Sober, LADC (for possible action)

Agreement for Probation, minimum of one year with investigative cost of \$500.00. Ms. Sober acknowledge that she held herself as being a Licensed Clinical Alcohol and Drug Counselor (LCADC) and in fact is a Licensed Alcohol and Drug Counselor (LADC)

Steve Burt made a motion to accept the agreement for probation. Jacquelyne Wotherspoon seconded, the motion was carried unanimously

d) Robert Vickery, LADC (for possible action)

Agreement for Reprimand with penalty cost of \$600.00. Director Gawronski stated that all violations are reported to a national data bank.

Jacqueline Wotherspoon made a motion to accept the Agreement for Reprimand, Merlyn Sexton seconded, and motion was carried four in favor two against.

Item 10: Public Comment

No public present

Item 14: Adjournment (for possible action)

Darlene Dufault asked for a motion to adjourn the meeting, Ms. Wotherspoon made a motion to adjourn, Ms. Potter seconded, and the motion was carried. The meeting was adjourned at 10:46 a.m.